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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA
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10 FULIN LI,

11 Petitioner,

12 vs.

13 STATE OF NEVADA, *et al.*,

14 Respondents.
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) 2:15-cv-00955-RFB-CWH
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ORDER

16 This is a habeas corpus proceeding brought pursuant to 28 U.S.C. § 2254. The court has
17 reviewed the habeas petition pursuant to Habeas Rule 4. In accordance with that rule, the court shall
18 order the clerk to serve the petition on the respondents and order the respondents to respond to the
19 petition within a fixed time.

20 A petition for federal habeas corpus should include all claims for relief of which petitioner is
21 aware. If petitioner fails to include such a claim in his petition, he may be forever barred from seeking
22 federal habeas relief upon that claim. *See* 28 U.S.C. §2254(b) (successive petitions). If petitioner is
23 aware of any claim not included in his petition, he should notify the court of that as soon as possible,
24 perhaps by means of a motion to amend his petition to add the claim.

25 **IT THEREFORE IS ORDERED** that the clerk shall ELECTRONICALLY SERVE the petition
26 for writ of habeas corpus (ECF No. 1) and this order on the respondents.

1 **IT FURTHER IS ORDERED** that respondents shall file a response to the petition, including
2 potentially a motion to dismiss, within **thirty (30) days** of service of the petition, with any requests for
3 relief by petitioner by motion otherwise being subject to the normal briefing schedule under the local
4 rules. **Any response filed shall comply with the remaining provisions below, which are entered**
5 **pursuant to Habeas Rule 4.**

6 **IT FURTHER IS ORDERED** that any procedural defenses raised by respondents in this case
7 shall be raised together in a single consolidated motion to dismiss. In other words, the court does not
8 wish to address any procedural defenses raised herein either in *seriatum* fashion in multiple successive
9 motions to dismiss or embedded in the answer. Procedural defenses omitted from such motion to
10 dismiss will be subject to potential waiver. Respondents shall not file a response in this case that
11 consolidates their procedural defenses, if any, with their response on the merits, except pursuant to 28
12 U.S.C. § 2254(b)(2) as to any unexhausted claims clearly lacking merit. If respondents do seek dismissal
13 of unexhausted claims under § 2254(b)(2): (a) they shall do so within the single motion to dismiss **not**
14 in the answer; and (b) they shall specifically direct their argument to the standard for dismissal under §
15 2254(b)(2) set forth in *Cassett v. Stewart*, 406 F.3d 614, 623-24 (9th Cir. 2005). In short, no procedural
16 defenses, including exhaustion, shall be included with the merits in an answer. All procedural defenses,
17 including exhaustion, instead must be raised by motion to dismiss.

18 **IT FURTHER IS ORDERED** that, in any answer filed on the merits, respondents shall
19 specifically cite to and address the applicable state court written decision and state court record
20 materials, if any, regarding each claim within the response as to that claim.

21 **IT FURTHER IS ORDERED** that petitioner shall have **thirty (30) days** from service of the
22 answer, motion to dismiss, or other response to file a reply or opposition, with any other requests for
23 relief by respondents by motion otherwise being subject to the normal briefing schedule under the local
24 rules.

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1 **IT FURTHER IS ORDERED** that any additional state court record exhibits filed herein by
2 either petitioner or respondents shall be filed with a separate index of exhibits identifying the exhibits
3 by number. The CM/ECF attachments that are filed further shall be identified by the number or numbers
4 of the exhibits in the attachment. The hard copy of any additional state court record exhibits shall be
5 forwarded – for this case – to the staff attorneys in **Reno**.

6 Dated this 29th day of May, 2015.

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RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE